

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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ACME WIDGET, L.P.,

Plaintiff,

v.

Q INVESTORS GROUP, INC.,

Defendant
-----X

**DECLARATION IN SUPPORT OF
DEFAULT JUDGMENT
1:10-CV-2204 (SLT)-CLP**

TO: ROBERT C. HEINEMANN, CLERK
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

James J. Morrissey, Jr. hereby declares as follows:

1. I am James J. Morrissey, Jr, counsel for Plaintiff in this action.
2. This action was commenced pursuant to the Trademark Laws of the United States, 15 U.S.C. § 1051 *et seq.* Original jurisdiction over this cause of action is conferred upon this Court pursuant to 15 U.S.C. § 1121, 1125 and 28 U.S.C. §§ 1331 and 1338 (a) and (b). Plaintiff is seeking injunctive relief plus an award of attorneys' fees and costs of court.
3. The time within which the defendant may answer or otherwise move with respect to the complaint herein has expired; said defendant has not answered or otherwise moved with respect to the complaint, and the time for defendant to do so has not been extended.

4. Said defendant is not an infant or incompetent. Defendant is a corporation organized under the laws of the state of New York and thus is not presently in the military service of the United States.

5. Said defendant is indebted to the plaintiff in the following manner:

The acts of Defendant constitute use in interstate commerce of reproductions, counterfeits, copies, and/or colorable imitations of one or more of the Q INVESTMENTS Trademarks. Further, Defendant's use of trade names and trademarks confusingly similar to the Q INVESTMENTS Trademarks in connection with investment-related services is likely to cause confusion, cause mistake, and deceive as to the affiliation, connection, and association of Acme Widget and its Q Investments Group with Defendant.

Further, the activities of Defendant are intended to, and are likely to, lead the public to conclude, incorrectly, that the infringing uses of any of the Q INVESTMENTS Trademarks described in the Complaint that are or have been advertised and marketed by Defendant are authorized by Acme Widget, to the damage and harm of Acme Widget and the Q Investments Group. Defendant's activities constitute deliberate infringement of one or more of the Q INVESTMENTS Trademarks in violation of the Lanham Trademark Act, including, but not limited to, 15 U.S.C. § 1114(1), entitling Acme Widget to damages.

6. As a result of the above actions, plaintiff was damaged in an undetermined amount. Plaintiff will forgo a claim for monetary damages for the purpose of the default judgment. Plaintiff seeks an order from the Court requiring that Defendant destroy the

infringing articles under 15 U.S.C. § 1118 and seeks injunctive relief pursuant to 15 U.S.C. §1116.

Wherefore, plaintiff requests judgment on each cause of action.

Wherefore, plaintiff Acme Widget, L.P., requests that the default of the defendant be noted and that judgment be entered in favor of plaintiff and against defendant in the matter stated herein.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief; that the amount claimed is justly due and owing to plaintiff; that no part thereof has been paid; and, that the disbursements sought to be taxed have been made in this action, or will necessarily be made or included in this action.

Dated: New York, New York
July 20, 2011

By: 

James J. Morrissey, Jr.
Morrissey & Morrissey, LLP
60 E. 42nd St. #2125
New York, NY 10165
212-779-3500